

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
October 28 - November 1, 1996

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
10-29	OPP OPP	87,081 87,082	Sharkskins Surf Gear, Inc. v. San Jose Sharks	Simms Cissel* Seeherman (D)	2(d); counterclaim for cancellation on grounds of (1) no bona fide use in commerce and (2) fraud	Oppositions Dismissed; Counterclaim for Cancellation Granted	"SHARKSKINS" (and a design incorporating a shark's head) [surf clothing, namely, t-shirts, jackets, pants, warm-up suits, wetsuits, shoes and shorts]	design incorporating a fanciful representation of a shark [clothing--namely, shirts, jerseys, sweaters, sweatshirts, t-shirts, jackets, pants, sweatpants, warm-up suits, shorts, caps, hats, socks, nightshirts, scarves, mittens and cloth bibs; entertainment services--namely, providing professional ice hockey exhibitions]			No
10-30	EX EX EX EX	74/107,141 74/330,369 74/390,769 74/391,199	Orange Communications, Inc.	Sams Rice Simms*	de jure functionality (of color)	Refusal Affirmed (in all four cases)		the color orange and the color yellow applied across the surface of applicant's goods [pay telephones and pay telephone booths]]		Rupp	Yes
10-30	EX	74/509,007	Dyncraft Industries Inc.	Simms* Cissel Hanak	2(d)	Refusal Affirmed		"POWER CLIMBER" [bicycles]	"CLIMBER" [bicycle structural parts]	Wellington	No
11-1	EX	74/405,927	Crawford Fitting Co.	Hohein Hairston* Walters	2(e)(1)	Refusal Affirmed		"TOOBENDER" [tube bending machines]		Sharper	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member